

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

Index No.:

Date Filed:

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NATASHA REYES,

**SUMMONS**

Plaintiff,

Plaintiff designates New York County as the place of trial.

-against-

The basis of venue is:  
Location of Accident

THE CITY OF NEW YORK,

Defendants.

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**To the above named Defendant:**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, NY  
April 29, 2014

ROSENBERG, MINC, FALKOFF & WOLFF  
Attorneys for Plaintiff  
NATASHA REYES  
122 East 42<sup>nd</sup> Street, Suite 3800  
New York, NY 10168  
(212) 697-9280  
Our File No. 30333

TO: THE CITY OF NEW YORK  
One Centre Street  
New York, N.Y. 10007-2341

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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NATASHA REYES,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendants.  
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**PLAINTIFFS’  
VERIFIED COMPLAINT**

Index No.

Plaintiff, NATASHA REYES, by her attorneys, ROSENBERG, MINC, FALKOFF & WOLFF, LLP., as and for her Verified Complaint, as against the defendant, THE CITY OF NEW YORK, respectfully set forth, as follows:

**FIRST:** Upon information and belief, that at all times hereinafter mentioned, the defendant, the CITY OF NEW YORK, (hereinafter referred to as “CITY”), was and is a domestic municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York.

**SECOND:** Upon information and belief, that at all times hereinafter mentioned, the New York City Department of Parks and Recreation was and is a department and organization under the auspices of the defendant, CITY.

**THIRD:** That heretofore and within ninety (90) days after said cause of action arose, the plaintiff duly complied with Section 50-(e) of the General Municipal Law, and served upon the defendant, CITY, on February 18, 2014 a Notice of Claim and intention to commence this action in writing, sworn to by the plaintiff setting forth therein the matters required by Section 50-(e) of the General Municipal Law of the State of New York.

**FOURTH:** That the plaintiffs were duly examined under oath by the defendants CITY pursuant to General Municipal Law Section 50-h on April 21, 2014.

**FIFTH:** That at least thirty (30) days has elapsed since the service of said Notice of Claim and that adjustment and/or payment thereof has been neglected and/or refused after thirty (30) days after said Notice and this action is being commenced within one-year-and-ninety days after said cause of action accrued.

**SIXTH:** Upon information and belief, that at all times hereinafter mentioned, the defendant, CITY, owned the land and premises known as Riverside Park, Riverside Drive and W. 108<sup>th</sup> Street, County of New York, City of New York, State of New York.

**SEVENTH:** Upon information and belief, that at all times hereinafter mentioned, the defendant, CITY, operated, managed, maintained, controlled and inspected the sledding area set up inside the park, known as Riverside Park, near the Riverside Drive and W. 108<sup>th</sup> Street entrance, County of New York, City of New York, State of New York.

**EIGHTH:** Upon information and belief, that at all times hereinafter mentioned, and at some time prior to January 5, 2014, the defendant, CITY, by its agents, servants and/or employees, constructed, arranged and set up a sledding area set up inside the park, known as Riverside Park, near the Riverside Drive and W. 108<sup>th</sup> Street entrance, County of New York, City of New York, State of New York.

**NINTH:** Upon information and belief, that at all times hereinafter mentioned, the defendant, CITY, had an obligation to maintain Riverside Park, Riverside Drive and W. 108<sup>th</sup> Street, County of New York, City of New York, State of

New York in a safe and secure manner for people lawfully participating in sledding activities in the park, including the plaintiff, Natasha Reyes.

**TENTH:** Upon information and belief, that at all times hereinafter mentioned, and more particularly on January 5, 2014, the plaintiff, Natasha Reyes, was lawfully in the park known as Riverside Park, Riverside Drive and W. 108<sup>th</sup> Street, County of New York, City of New York, State of New York.

**ELEVENTH:** That on January 5, 2014, at approximately 2:00 p.m., the plaintiff, Natasha Reyes, was sledding in the area set up for sledding activities by the defendant CITY at the aforementioned facility known as Riverside Park, Riverside Drive and W. 108<sup>th</sup> Street, County of New York, City of New York, State of New York.

**TWELFTH:** That on January 5, 2014, at approximately 2:00 p.m., while the plaintiff, Natasha Reyes, was sledding in the area set up for sledding activities at the aforementioned facility known as Riverside Park, Riverside Drive and W. 108<sup>th</sup> Street, County of New York, City of New York, State of New York, she was caused to sustain severe and serious injuries when her sled went through a hay barrier and into a park bench that was located immediately behind the barrier.

**THIRTEENTH:** That the aforesaid occurrence was caused solely and wholly by reason of the carelessness, recklessness and negligence of the defendant, their agents, servants and/or employees, the plaintiff in no way contributing thereto.

**FOURTEENTH:** The aforesaid accident was due to the negligence, carelessness and recklessness of the CITY, its departments, agents, servants, and/or employees in the ownership, operation, maintenance, management and control of the aforesaid park and sledding area; in permitting and allowing said area to be exposed to

the public which constituted a trap, nuisance and menace; in failing to inspect, maintain, repair and/or control the said hazardous, defective and raised portion of the aforesaid park and sledding area; in that said dangerous, defective and hazardous condition was likely to and actually did cause severe and serious personal injuries; in erecting and barriers and barricades, hay bales, that were not properly placed; in that the hay bales were dangerously close to the park bench; in failing to anchor, stack or otherwise provide hay bales capable of stopping and protecting sledders and tubers who were lawfully using the hill for its stated purpose; in failing to warn the claimant of said dangerous condition; in failing to apprehend and comprehend the dangers attendant to the misplaced hay bales in front of the park bench; in failing to leave sufficient room between the bench and hay bales so as to allow sledders and tubers who breached the hay bale protection time to avoid the park bench; in failing to adequately and properly superintend, supervise and inspect the park and sledding area; in failing to take adequate precautions and measures to prevent the occurrence; in violation of the Administrative Code of the City of New York §27-127 and 27-128; in violation of the NYC Department of Parks and Recreation codes, rules and regulations; in failing to give this plaintiff a safe place to sled/tube; in that GOL §9-103 does not provide the City with immunity as the claimant and public in general were encouraged to engage in said recreational activity; in that GOL §9-103 does not provide the City with immunity as the claimant and public in general were performing said activities in a supervised park; in that the City of New York failed in its higher duty imposed by law to operate and maintain supervised park facilities; in failing to shut the hill down for sledding once the hill became too icy and fast for approved and supervised activities; in violation of §1-03

of the Rules and Regulations of the New York City Department of parks and Recreation which authorizes the closing of park facilities when public health and safety threats exist; in failing to properly train park personnel; in failing to hire efficient and/or sufficient personnel in connection with the operation, management, control, and/or supervision of said park; in violation of §531 of Chapter 21 of the New York that requires the Department of Parks to manage and care for all parks; in failing to properly and/or adequately supervise the sledding activities at said park; in failing to properly and/or adequately monitor the care, guidance and/or supervision provided at said park; in failing to prevent said activity; in failing to stop said activity; and the CITY, by its agents, servants, departments and employees, was otherwise negligent herein.

**FIFTEENTH:** That as a result of the aforesaid, the plaintiff, Natasha Reyes, has been rendered sick, sore, lame and disabled; that she suffers and may in the future continue to suffer great pain; that she has been compelled to seek medical care, attention and treatment as well as other advice in an effort to be cured of her said injuries and may in the future be so required to seek medical aid, treatment and care; that she has been confined to a hospital and to her home and bed for a period of time and may in the future be so confined; that she has been disabled from attending to her usual duties and activities and may in the future be so disabled; and that she has sustained permanent and lasting injuries.

**SIXTEENTH:** That as a result of the aforesaid, this plaintiff has sustained damages which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

**SEVENTEENTH:** That the aforesaid action is within the exemptions set forth in CPLR 1602 and more specifically Section 1602(b)(2).

**WHEREFORE,** plaintiff, Natasha Reyes, demands judgment against the defendant in a sum which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction; together with the costs and disbursements of this action.

Dated: New York, New York  
April 29, 2014

Yours, etc.,

ROSENBERG, MINC, FALKOFF & WOLFF, LLP.

By: \_\_\_\_\_

Steven C. Falkoff  
Attorneys for Plaintiff  
122 East 42<sup>nd</sup> Street - Suite 3800  
New York, New York 10168  
(212) 697-9280  
Our File No. 30333







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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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NATASHA REYES,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendants.

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**SUMMONS & VERIFIED COMPLAINT**

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ROSENBERG, MINC, FALKOFF & WOLFF LLP  
Attorneys for Plaintiff  
122 EAST 42ND STREET  
NEW YORK, NEW YORK 10168-0068  
(212) 697-9280

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Sir:-Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of  
duly entered in the office of the Clerk of the within named court on

NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for  
settlement to the HON. one of the judges  
of the within named court, at  
on , 2014, at M.

Dated:

Yours, etc.

ROSENBERG, MINC, FALKOFF & WOLFF LLP  
Attorneys for Plaintiff(s)  
122 EAST 42ND STREET  
NEW YORK, NEW YORK 10168-0068

TO: